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WORLDCOM, INC.
TECHNOLOGY LAW DEPARTMENT
1133 19TH ST, NW
WASHINGTON, DC 20036

MAR 19 2001

OFFICE OF PETITIONS
: A/C PATENTS
:
: DECISION REFUSING STATUS
: UNDER 37 CFR 1.47(a)
:
:

In re Application of
Stone and Sibley
Application No. 09/469,505
Filed: 22 December, 1999
Attorney Docket No. UUN99006

This is in response to the renewed petition under 37 CFR 1.47(a),
filed on 12 February, 2001.

The petition is again dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of
this decision to respond, correcting the below-noted
deficiencies. Any response should be entitled "Request for
Reconsideration of Petition Under 37 CFR 1.47(a)" and may include
an oath or declaration executed by the inventor. Failure to
respond will result in abandonment of the application. Any
extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on 22 December, 1999,
without an executed oath or declaration. Accordingly, on 7
February, 2000, a "Notice To File Missing Parts of Application"
was mailed, requiring an executed oath or declaration, and a
surcharge for its late filing. The petition under 37 CFR
1.147(a) filed on 4 June and supplemented by facsimile on 12 May,
2000, was dismissed in a decision mailed on 8 November, 2000.

The present petition, accompanied by a request and payment for a
one (1) month extension of time under 37 CFR 1.47(a) was filed on
12 February, 2001 (certificate of mailing date 8 February, 2001).

In the present renewed petition, petitioners assert that a copy
of the application papers was mailed to the last known address of
joint inventor Matthew J. Sibley (Sibley), now stated as 20231
Birdsnest Place, Ashburn, VA 22011, but was returned as
undeliverable. A copy of the cover letter purporting to transmit
the application papers to joint inventor Sibley, and a copy of an
Express Mail envelope showing that the application papers were
returned as undeliverable are also enclosed.

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C.

§§ 115 and 116;

(3) the petition fee; and

(4) a statement of the last known address of the non-signing inventor.

The petition lacks item (1).

In regards to item (1), petitioner has not submitted sufficient evidence to prove that diligent efforts have been made to locate the non-signing inventor. A copy of the application papers should be sent to the last known address of the non-signing inventor with a request that he sign the declaration for the patent application. In this regard, it is noted that although the declaration filed on 22 March, 2000, lists Sibley's last known address as 5245 West Runningbrook Road, Apt. 201, Columbia, MD 21044, petitioners now state that the last known address is 20231 Birdsnest Place, Ashburn, VA 22011. A brief Internet search suggests, however, that Sibley may reside at the Columbia, MD address provided above. Additionally, it is noted that the Zip code for the Ashburn, VA address is miscaptioned as 20147-3318 on the Express Mail envelope returned as undeliverable. As such, it appears that the envelope may not have been properly addressed to Sibley.

Petitioners should verify the correct last known address for Sibley, and send or give a copy of the application papers to him at that address. If the application papers are returned, petitioners should provide a copy of the envelope showing that the application was returned as undeliverable. Petitioner should also explain what attempts were made to obtain a forwarding address and to locate the inventor through other means. If attempts to obtain a forwarding address and to locate the inventor by other means (e.g. through e-mail or the telephone) continue to fail, then applicant will have established that the inventor cannot be reached.

Details of the efforts made to locate the non-signing inventor should be set forth in an affidavit or declaration of facts by a person having *first hand* knowledge of the details. The specific dates and times that the application was mailed and other attempts, such as telephone calls or e-mail searches, were made should be included.

It is also noted that the residence address listed on the declaration for joint inventor Sibley is the Columbia, MD address stated above rather than the Ashburn, VA address referenced as the last known address in the petition. If petitioner determines the Columbia, MD address is in fact not the last known address, petitioner should include a supplemental statement to the effect that the information included in the declaration is correct to the best of petitioners' knowledge and belief.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

By FAX: (703) 308-6916
Attn: Office of Petitions

By hand: Crystal Plaza Four, Suite 3C23
2201 S. Clark Place
Arlington, VA

Telephone inquiries concerning this matter may be directed to Petitions Attorney Douglas I. Wood, at (703)308-6918.



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for Patent Examination Policy